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KING COUNTY
SUPERIOR COURT CLERK
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CASE #: 20-2-17270-7 SEA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

STACEY ELIZABETH HEATHCOTE, filing
individually,

Plaintiff,

vs.

SAFEWAY, INC., "JOHN DOE" and "JANE
DOE" a husband and wife, and the marital
community composed thereof; ROES I-X;
BLACK AND WHITE I-V, entities licensed to
conduct business in the state of Washington,
Defendants.

NO.

COMPLAINT FOR PERSONAL INJURY
AND DAMAGES

Plaintiff, Stacey Elizabeth Heathcote, through counsel, alleges as follows:

I. JURISDICTION, VENUE, AND PARTIES

1. The action that forms the subject of this Complaint occurred in King County, Washington.
2. Plaintiff Stacey Elizabeth Heathcote is a single person living in Seattle, Washington.
3. Defendant Safeway, Inc. (SAFEWAY) is nongovernmental corporation whose headquarters are in Pleasanton, California who is licensed to do and is actually doing business in the State of Washington.

Complaint for Damages - 1

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- 1 4. Upon information and believe, at all times material hereto, defendants John and Jane
2 Doe were husband and wife residing in King County, Washington. Defendant John Doe
3 (“Doe”) is an individual who, through his own actions and negligence, caused
4 Plaintiff’s fall at the Safeway store in Seattle, Washington. All acts alleged herein
5 which were performed by Defendant John Doe were also performed for his individual
6 benefit and for the benefit of his marital community.
- 7 5. Defendants ROES I-X and BLACK AND WHITE I-V are individuals, entities and/or
8 organizations licensed to conduct business in the State of Washington whose identity
9 is presently unknown at this time. Defendants Roes I-X and Black and White I-V are
10 individuals and/or entities who negligently caused liquid to be leaking from a
11 refrigeration unit in the meat department of the Safeway store in Seattle, Washington,
12 which caused Plaintiff’s fall. Pursuant to CR 10(a)(2), Plaintiff will amend her
13 Complaint when the true names are discovered.
- 14 6. Venue is proper in this Court because the fact that all of the acts complained of occurred
15 in King County, Washington, and that the Defendants, Safeway and “John Doe” and
16 “Jane Doe”, husband and wife, and the marital community composed thereof, Roes I-
17 X’ Black and White I-V, committed the acts complained of in King County,
18 Washington.

19 II. FACTS

- 20 7. Plaintiff realleges each and every allegation contained in the foregoing paragraphs and
21 incorporates the same herein by this reference.
- 22 8. At some point on September 11, 2018, liquid was apparently leaking from a
23 refrigeration unit located in the meat department of the Safeway store at 9620 28th Ave
24

1 SW Seattle, Washington.

2 9. That at the aforesaid time and place, defendant, Safeway, its agents, employees and/or
3 managers knew or should have known that the cooler was apparently leaking liquid in
4 a pool of liquid had accumulated on the floor.

5 10. Defendant Safeway owed a duty of care to its invitees, including the Plaintiff, and is
6 responsible for maintaining the premises of its store in a reasonably safe condition for
7 members of the public who go to the store to shop.

8 11. On or about September 11, 2018, as Plaintiff was walking in the area of the meat
9 department in the Safeway store located at 9620 28th Ave SW, Seattle, Washington,
10 when she encountered a pool of liquid that was apparently leaking from one of the meat
11 department refrigeration units.

12 12. As a direct and proximate result of encountering the liquid on the floor that had
13 apparently leaked from one of the meat department refrigeration units plaintiff slipped,
14 falling backwards and twisting her knee.

15 13. As a direct and proximate result of said fall, Plaintiff suffered serious injuries to her
16 right knee, as well as other injuries, including contusions to various parts of her body.

17 14. On information and belief, prior to Plaintiff's fall on or about September 11, 2018,
18 other individuals had also encountered the pool of liquid in the area of the meat
19 department of the Safeway store located at 9620 28th Ave SW, Seattle, Washington,
20 and reported such pool of water to each of the Defendants.

21 **III. LIABILITY**

22 15. Plaintiff realleges each and every allegation contained in the foregoing paragraphs and
23 incorporates the same herein by this reference.

1 16. Defendant Safeway owes a duty of care to members of the public who visit its stores
2 and is responsible for maintaining the premises in a reasonably safe condition for the
3 public, including the shopping aisles and floors of the store located at 9620 28th Ave
4 SW, Seattle, Washington.

5 17. The above-described conduct of the Defendant, its agents and employees, and/or "John
6 Doe" and "Jane Doe," Roes I-X, and Black and White I-V were negligent in several
7 respects, including, but not limited to, creating an unreasonable risk of harm, failing to
8 take reasonable precautions to protect visitors to its store from foreseeable harm, and
9 failing to warn of the hazard.

10 18. The Defendant, its agents and employees, and/or "John Doe" and "Jane Doe," Roes I-
11 X, and Black and White I-V were owners, possessors, and occupiers of the premises
12 and are liable for all physical injuries and emotional damages to Plaintiff, as an invitee
13 to the store, caused by the herein described condition on the premises because the
14 Defendants, and each of them, created and/or knew of the condition or failed to exercise
15 ordinary care to discover the condition, and should have realize it involved an
16 unreasonable risk of harm to business invitees and guests, including Plaintiff. The
17 Defendants should have expected that Plaintiff and other visitors to the store would not
18 discover or realize the danger, or would fail to protect themselves against it, and failed
19 to exercise ordinary care to protect Plaintiff and others from the danger.

20 19. The Defendant, through its agents and employees, and/or Roes I-X, and Black and
21 White I-V breached its duty to exercise ordinary care for Plaintiff's safety. That breach
22 proximately caused Plaintiff's injuries.

23 20. Defendants are solely at fault and liable to Plaintiff for her injuries. No other person or
24

1 entity contributed to Plaintiff's injuries.

2 **IV. DAMAGES**

3 21. Plaintiff realleges each and every allegation in the foregoing paragraphs and
4 incorporates the same herein by this reference.

5 22. As a direct and proximate result of Defendants' tortious acts, omissions and negligence,
6 Plaintiff suffered serious injuries. Plaintiff has suffered, and will continue to suffer,
7 significant pain, mental anguish, loss of enjoyment of life as well as physical disability
8 and injury. Plaintiff has suffered economic loss, and will suffer economic loss in the
9 future including, but not limited to, medical expenses, loss of earnings and earning
10 capacity. Plaintiff has suffered other special and general damages, which will be proved
11 with specificity at the time of trial. These damages have continued to the present and
12 will continue for the rest of Plaintiff's life.

13 **PRAYER FOR RELIEF**

14 WHEREFORE Plaintiff prays for the following relief against the Defendants:

15 23. For judgment against Defendants for past, present and future general and special
16 damages in amounts to be proven at the time of trial;

17 24. Reasonable attorney's fees and/or statutory attorney's fees where allowed under
18 Washington Statutes and/or case law;

19 25. For all costs and expenses incurred herein;

20 26. For prejudgment interest;

21 27. For such other and further relief to be proven at the time of trial as the Court may
22 deem just and equitable.

23 ///

1 DATED this 1st day of December, 2020.

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4 **ROBERT D. BOHM, PLLC**

5 /s/ Robert D. Bohm

6 Robert D. Bohm, WSBA # 42703

7 Attorney for Stacey Elizabeth Heathcote

8 **ATTORNEY WEST SEATTLE, PS**

9 /s/ Eric J. Harrison

10 Eric J. Harrison, WSBA # 46129

11 Attorney for Stacey Elizabeth Heathcote